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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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FOX, BRYAN J

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/004,320	Applicant(s) HOLUR ET AL.	
	Examiner Bryan J Fox	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 25, 2005 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 6, 7, 9-12, 14, 15, 17-20, 22, 23, 25-28, 30, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al (US006119014A) in view of Laflin et al (US005705995A).

Regarding **claim 1**, Alperovich et al discloses a system for organizing SMS messages sent to a mobile terminal based on the location of the mobile terminal or the time of delivery of the SMS messages (see column 3, lines 26-44). An SMS message reads on the claimed "out-of-band message" because it is not carried out on the same channel that a call is carried out and there is no need to inspect the payload of in-band messages to receive a SMS message. In the system disclosed by Alperovich, a SMS message is associated with a priority indicator (see column 4, lines 7-28) and/or a location indicator, which includes a location area where the MS should be when the SMS message is displayed (see column 5, lines 26-35). When the MS is in the area corresponding to the location indicator, the SMS message is displayed or sent to the MS (see column 5, line 36 – column 6, line 3), which reads on the claimed invention that determines whether the data is appropriate for a session currently being hosted by the mobile unit and posting the data to the session if the data is appropriate for the session. Alperovich et al fails to expressly disclose determining if a message contains pushed data.

In a similar field of endeavor, Laflin et al discloses a system for receiving incoming messages, providing a location in memory for storing the decoded messages according to categories, storing, for each such category, an associated list of identifying data, and comparing data in a decoded message to the stored identifying data. If a match is found, the decoded message is stored in memory under the category associated with the matching identifying data (see column 4, lines 51-62). One such category is referred to as information services, meaning information from a supplier

(usually a commercial supplier) of information such as news, stock quotes, etc. (see column 2, lines 32-38). The information service messages read on the claimed "pushed data" because they originate from a supplier (server-initiated). The above description reads on the claimed "analyzing the message to determine if it contains pushed data, wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria," wherein the predetermined criteria is the subscriber's subscription to the particular service, such as "Sports service," or "News service."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Alperovich et al with Laflin et al to include the above organizing of data in order to allow the user easier access to stored information because the user can call up and display only the messages in the category or sub-category in question and there is no need to scroll through several categories of messages to find a specific item of information as suggested by Laflin et al (see column 12, lines 35-39).

Regarding **claim 2**, the combination of Alperovich et al and Laflin et al discloses that a message can be displayed at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed "dynamic data", and that the MS receives SMS messages and stores them within the SIM card (see Alperovich et al column 4, lines 33-37), which reads on the claimed "analyzing the data to determine if it is static or dynamic; and storing the data if it is static".

Regarding **claim 3**, the combination of Alperovich et al and Laflin et al discloses the use of a reminder indicator (see Alperovich et al column 4, line 66 – column 5, line

7), which reads on the claimed "analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic".

Regarding **claim 4**, the combination of Alperovich et al and Laflin et al discloses that once the subscriber views the SMS message 420, the subscriber has the option of erasing the SMS message from memory, storing the SMS message in memory for later retrieval, or moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see Alperovich et al column 6, lines 4-34), which reads on the claimed "determining if the data is dynamic, whether to store the data; and storing the dynamic data if it should be stored".

Regarding **claim 6**, the combination of Alperovich et al and Laflin et al discloses that the SMS can be displayed at predefined intervals of time or at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed "determining whether a trigger has been met for stored dynamic data". Also, the SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "determining, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see

Alperovich et al column 5, lines 44-49), which reads on the claimed "posting the data to the session if the data is appropriate".

Regarding **claim 7**, the combination of Alperovich et al and Laflin et al discloses that an SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "detecting the initiation of a session; determining whether stored static data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "posting the stored data to the session if the stored data is appropriate".

Regarding **claim 9**, Alperovich et al discloses a system for organizing SMS messages sent to a mobile terminal based on the location of the mobile terminal or the time of delivery of the SMS messages (see column 3, lines 26-44). An SMS message reads on the claimed "out-of-band message" because it is not carried out on the same channel that a call is carried out and there is no need to inspect the payload of in-band messages to receive a SMS message. In the system disclosed by Alperovich, a SMS message is associated with a priority indicator (see column 4, lines 7-28) and/or a location indicator, which includes a location area where the MS should be when the SMS message is displayed (see column 5, lines 26-35). When the MS is in the area

corresponding to the location indicator, the SMS message is displayed or sent to the user by the SMS Service Center (see column 5, line 36 – column 6, line 3), which reads on the claimed invention that determines whether the data is appropriate for a session currently being hosted by the mobile unit and posting the data to the session if the data is appropriate for the session. These processes occur at the mobile station, which reads on the claimed invention that uses a computer processable medium with logic stored on the medium to perform the above functions. Alperovich et al fails to expressly disclose determining if a message contains pushed data.

In a similar field of endeavor, Laflin et al discloses a system for receiving incoming messages, providing a location in memory for storing the decoded messages according to categories, storing, for each such category, an associated list of identifying data, and comparing data in a decoded message to the stored identifying data. If a match is found, the decoded message is stored in memory under the category associated with the matching identifying data (see column 4, lines 51-62). One such category is referred to as information services, meaning information from a supplier (usually a commercial supplier) of information such as news, stock quotes, etc. (see column 2, lines 32-38). The information service messages read on the claimed “pushed data” because they originate from a supplier (server-initiated). The above description reads on the claimed “analyzing the message to determine if it contains pushed data, wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria,” wherein the predetermined criteria is the subscriber’s subscription to the particular service, such as “Sports service,” or “News service.”



It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Alperovich et al with Laflin et al to include the above organizing of data in order to allow the user easier access to stored information because the user can call up and display only the messages in the category or sub-category in question and there is no need to scroll through several categories of messages to find a specific item of information as suggested by Laflin et al (see column 12, lines 35-39).

Regarding **claim 10**, the combination of Alperovich et al and Laflin et al discloses that a message can be displayed at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed "dynamic data", and that the MS receives SMS messages and stores them within the SIM card (see Alperovich et al column 4, lines 33-37), which reads on the claimed "analyzing the data to determine if it is static or dynamic; and storing the data if it is static".

Regarding **claim 11**, the combination of Alperovich et al and Laflin et al discloses the use of a reminder indicator (see Alperovich et al column 4, line 66 – column 5, line 7), which reads on the claimed "analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic".

Regarding **claim 12**, the combination of Alperovich et al and Laflin et al discloses that once the subscriber views the SMS message 420, the subscriber has the option of erasing the SMS message from memory, storing the SMS message in memory for later retrieval, or moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see Alperovich et al column 6, lines

4-34), which reads on the claimed "determining if the data is dynamic, whether to store the data; and initiate storing the dynamic data if it should be stored".

Regarding **claim 14**, the combination of Alperovich et al and Laflin et al discloses that the SMS can be displayed at predefined intervals of time or at a certain time (see Alperovich column 4, lines 52-65), which reads on the claimed "determine whether a trigger has been met for stored dynamic data". Also, the SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "determine, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "post the data to the session if the data is appropriate".

Regarding **claim 15**, the combination of Alperovich et al and Laflin et al discloses that an SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "detect the initiation of a session; determine whether stored static data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the

location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "post the stored data to the session if the stored data is appropriate".

Regarding **claim 17**, Alperovich et al discloses a system for organizing SMS messages sent to a mobile terminal based on the location of the mobile terminal or the time of delivery of the SMS messages (see column 3, lines 26-44). An SMS message reads on the claimed "out-of-band message" because it is not carried out on the same channel that a call is carried out and there is no need to inspect the payload of in-band messages to receive a SMS message. In the system disclosed by Alperovich, a SMS message is associated with a priority indicator (see column 4, lines 7-28) and/or a location indicator, which includes a location area where the MS should be when the SMS message is displayed or sent to the user by the SMS Service Center (see column 5, line 26 – column 6, line 3). When the MS is in the area corresponding to the location indicator, the SMS message is displayed or sent to the user by the SMS Service Center (see column 5, line 26 – column 6, line 3), which reads on the claimed invention that determines whether the data is appropriate for a session currently being hosted by the mobile unit and posting the data to the session if the data is appropriate for the session. Alperovich et al fails to expressly disclose determining if a message contains pushed data.

In a similar field of endeavor, Laflin et al discloses a system for receiving incoming messages, providing a location in memory for storing the decoded messages according to categories, storing, for each such category, an associated list of identifying

data, and comparing data in a decoded message to the stored identifying data. If a match is found, the decoded message is stored in memory under the category associated with the matching identifying data (see column 4, lines 51-62). One such category is referred to as information services, meaning information from a supplier (usually a commercial supplier) of information such as news, stock quotes, etc. (see column 2, lines 32-38). The information service messages read on the claimed "pushed data" because they originate from a supplier (server-initiated). The above description reads on the claimed "means for analyzing the message to determine if it contains pushed data, wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria," wherein the predetermined criteria is the subscriber's subscription to the particular service, such as "Sports service," or "News service."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Alperovich et al with Laflin et al to include the above organizing of data in order to allow the user easier access to stored information because the user can call up and display only the messages in the category or sub-category in question and there is no need to scroll through several categories of messages to find a specific item of information as suggested by Laflin et al (see column 12, lines 35-39).

Regarding **claim 18**, the combination of Alperovich et al and Laflin et al discloses that a message can be displayed at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed "dynamic data", and that the MS receives SMS messages and stores them within the SIM card (see Alperovich et al column 4, lines 33-

37), which reads on the claimed “means for analyzing the data to determine if it is static or dynamic; and means for storing the data if it is static”.

Regarding **claim 19**, the combination of Alperovich et al and Laflin et al discloses the use of a reminder indicator (see Alperovich et al column 4, line 66 – column 5, line 7), which reads on the claimed “analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic”.

Regarding **claim 20**, the combination of Alperovich et al and Laflin et al discloses that once the subscriber views the SMS message 420, the subscriber has the option of erasing the SMS message from memory, storing the SMS message in memory for later retrieval, or moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see Alperovich et al column 6, lines 4-34), which reads on the claimed “means for determining, if the data is dynamic, whether to store the data; and means for storing the dynamic data if it should be stored”.

Regarding **claim 22**, the combination of Alperovich et al and Laflin et al discloses that the SMS can be displayed at predefined intervals of time or at a certain time (see column 4, lines 52-65), which reads on the claimed “means for determining whether a trigger has been met for stored dynamic data”. Also, the SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed

“means for determining, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit”. Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed “means for posting the data to the session if the data is appropriate”.

Regarding **claim 23**, the combination of Alperovich et al and Laflin et al discloses that an SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed “means for detecting the initiation of a session; means for determining whether stored static data is appropriate for a session currently being hosted by the mobile unit”. Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed “means for posting the stored data to the session if the stored data is appropriate”.

Regarding **claim 25**, Alperovich et al discloses a system for organizing SMS messages sent to a mobile terminal based on the location of the mobile terminal or the time of delivery of the SMS messages (see column 3, lines 26-44). An SMS message reads on the claimed “out-of-band message” because it is not carried out on the same channel that a call is carried out and there is no need to inspect the payload of in-band

messages to receive a SMS message. In the system disclosed by Alperovich, a SMS message is associated with a priority indicator (see column 4, lines 7-28) and/or a location indicator, which includes a location area where the MS should be when the SMS message is displayed or sent to the user by the SMS Service Center (see column 5, line 26 – column 6, line 3). When the MS is in the area corresponding to the location indicator, the SMS message is displayed or sent to the user by the SMS Service Center (see column 5, line 26 – column 6, line 3), which reads on the claimed data push manager that determines whether the data is appropriate for a session currently being hosted by the mobile unit and posting the data to the session if the data is appropriate for the session. Alperovich et al fails to expressly disclose determining if a message contains pushed data.

In a similar field of endeavor, Laflin et al discloses a system for receiving incoming messages, providing a location in memory for storing the decoded messages according to categories, storing, for each such category, an associated list of identifying data, and comparing data in a decoded message to the stored identifying data. If a match is found, the decoded message is stored in memory under the category associated with the matching identifying data (see column 4, lines 51-62). One such category is referred to as information services, meaning information from a supplier (usually a commercial supplier) of information such as news, stock quotes, etc. (see column 2, lines 32-38). The information service messages read on the claimed “pushed data” because they originate from a supplier (server-initiated). The above description reads on the claimed “service access manager operable to receive an out-of-band

message at a mobile unit and analyze the message to determine if it contains pushed data, wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria,” wherein the predetermined criteria is the subscriber’s subscription to the particular service, such as “Sports service,” or “News service.”

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Alperovich et al with Laflin et al to include the above organizing of data in order to allow the user easier access to stored information because the user can call up and display only the messages in the category or sub-category in question and there is no need to scroll through several categories of messages to find a specific item of information as suggested by Laflin et al (see column 12, lines 35-39).

Regarding **claim 26**, the combination of Alperovich et al and Laflin et al discloses that a message can be displayed at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed “dynamic data”, and that the MS receives SMS messages and stores them within the SIM card (see Alperovich et al column 4, lines 33-37), which reads on the claimed “analyze the data to determine if it is static or dynamic and to initiate storing the data if it is static”.

Regarding **claim 27**, the combination of Alperovich et al and Laflin et al discloses the use of a reminder indicator (see Alperovich et al column 4, line 66 – column 5, line 7), which reads on the claimed “analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic”.

Regarding **claim 28**, the combination of Alperovich et al and Laflin et al discloses that once the subscriber views the SMS message 420, the subscriber has the option of



erasing the SMS message from memory, storing the SMS message in memory for later retrieval, or moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see Alperovich et al column 6, lines 4-34), which reads on the claimed "determine, if the data is dynamic, whether to store the data; and to initiate storing the dynamic data if it should be stored".

Regarding **claim 30**, the combination of Alperovich et al and Laflin et al discloses that the SMS can be displayed at predefined intervals of time or at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed "determine whether a trigger has been met for stored dynamic data". Also, the SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "determine, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "post the data to the session if the data is appropriate".

Regarding **claim 31**, the combination of Alperovich et al and Laflin et al discloses that an SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area,

all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed “detect the initiation of a session; determine whether stored static data is appropriate for a session currently being hosted by the mobile unit”. Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed “post the stored data to the session if the stored data is appropriate”.

Regarding **claim 33**, Alperovich et al discloses a system for organizing SMS messages sent to a mobile terminal based on the location of the mobile terminal or the time of delivery of the SMS messages (see column 3, lines 26-44). An SMS message reads on the claimed “out-of-band message” because it is not carried out on the same channel that a call is carried out and there is no need to inspect the payload of in-band messages to receive a SMS message. In the system disclosed by Alperovich, a SMS message is associated with a priority indicator (see column 4, lines 7-28) and/or a location indicator, which includes a location area where the MS should be when the SMS message is displayed (see column 5, lines 26-35). When the MS is in the area corresponding to the location indicator, the SMS message is displayed or sent to the user by the SMS Service Center (see column 5, line 26 – column 6, line 3), which reads on the claimed invention that determines whether the data is appropriate for a session currently being hosted by the mobile unit and posting the data to the session if the data is appropriate for the session. A message can be displayed at a certain time (see column 4, lines 52-65), which reads on the claimed “dynamic data”, and that the MS

receives SMS messages and stores them within the SIM card (see column 4, lines 33-37), which reads on the claimed "analyzing the data to determine if it is static or dynamic" and "initiate storing the data if it is static". Once the subscriber views the SMS message 420, the subscriber has the option of erasing the SMS message from memory, storing the SMS message in memory for later retrieval, or moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see column 6, lines 4-34), which reads on the claimed "determine, if the data is dynamic, whether to store the data; and to initiate storing the dynamic data if it should be stored". An SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see column 5, lines 35-44), which reads on the claimed "detect the initiation of a session; determine whether stored static data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see column 5, lines 44-49), which reads on the claimed "post the stored data to the session if the stored data is appropriate". Alperovich et al fails to expressly disclose determining if a message contains pushed data.

In a similar field of endeavor, Laflin et al discloses a system for receiving incoming messages, providing a location in memory for storing the decoded messages according to categories, storing, for each such category, an associated list of identifying

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data, and comparing data in a decoded message to the stored identifying data. If a match is found, the decoded message is stored in memory under the category associated with the matching identifying data (see column 4, lines 51-62). One such category is referred to as information services, meaning information from a supplier (usually a commercial supplier) of information such as news, stock quotes, etc. (see column 2, lines 32-38). The information service messages read on the claimed "pushed data" because they originate from a supplier (server-initiated). The above description reads on the claimed "analyzing the message to determine if it contains pushed data, wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria," wherein the predetermined criteria is the subscriber's subscription to the particular service, such as "Sports service," or "News service."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Alperovich et al with Laflin et al to include the above organizing of data in order to allow the user easier access to stored information because the user can call up and display only the messages in the category or sub-category in question and there is no need to scroll through several categories of messages to find a specific item of information as suggested by Laflin et al (see column 12, lines 35-39).

Claims 5, 13, 21, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al in view of Laflin et al as applied to claims 4, 12, 20, 28 and 25 above, and further in view of what is well known in the art.

Regarding **claims 5, 13, 21, 29 and 32**, the combination of Alperovich et al and Laflin et al fails to disclose an indicator to indicate that the data should be stored.

However, the examiner takes official notice that the use of indicators is well known in the art and that the addition of this indicator is not critical to the invention, further, the function of determining whether to store a message is disclosed by the combination of Alperovich et al and Laflin et al (see rejections of claims 4, 12, 20, 28 and 31 above).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Alperovich et al and Laflin et al to include the above use of indicators in order to assist in identification and handling of messages.

Claims 8, 16, 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al in view of Laflin et al as applied to claims 1, 9, 17 and 25 above, and further in view of Yuan (US20010041571A1).

Regarding **claims 8, 16, 24 and 32**, the combination of Alperovich et al and Laflin et al fails to disclose the use of an agent advertisement message.

In a similar field of endeavor, Yuan discloses a system where the foreign agent 82 and the home agent 70 advertise their presence with agent advertising messages that use extensions of the router advertisement Internet Control Message Protocol (see page 2, paragraph 21).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Alperovich et al and Laflin et al with Yuan to include the above agent advertisement message in order to allow the foreign agent to

advertise its presence as suggested by Yuan (see paragraph 21), and the combination of Alperovich et al and Laflin et al disclose the receiving of different categories of messages and this would simply be another category.

### ***Response to Arguments***

Applicant's arguments filed January 25, 2005 have been fully considered but they are not persuasive.

The applicant argues that Alperovich et al fail to disclose pushed data. The examiner respectfully disagrees. Alperovich et al disclose that when the user is at a predetermined location, a message is sent to the MS by the SMS Service center (see, e.g., column 5, line 26 – column 6, line 3), which reads on the claimed, "pushed data."

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Laflin suggests the organizing of data allows the user easier access to stored information because the user can call up and display only the messages in the category or sub-category in question and there is no need to scroll through several categories of messages to find a specific item of information (see column 12, lines 35-39). Yuan suggests that an agent

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advertising message allows the foreign agent to advertise its presence (see paragraph 21).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 30, 2005

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